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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM	Application Number	10/825,690	
	Filing Date	April 16, 2004	
	First Named Inventor	Mitsugi CHONAN	
	Art Unit	3682	
	Examiner Name	James PILKINGTON	
Total Number of Pages in This Submission	21	Attorney Docket Number	032405R172

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Request for Withdrawal of Notice of Abandonment w/copy of Notice of Abandonment, copy of June 19, 2007 date stamped postcard; and copy of response documents filed June 19, 2007
Remarks 		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	Smith, Gambrell & Russell LLP		
Signature			
Printed Name	Dennis C. Rodgers		
Date	November 20, 2007	Reg. No.	32,936

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Attorney Dkt. No.
032405R172

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Mitsugi CHONAN

Confirmation No.: 8856

U.S. Serial No.: 10/825,690

Group Art Unit: 3682

Filed: April 16, 2004

Examiner: James Pilkington

For: CONTINUOUSLY VARIABLE TRANSMISSION

**PETITION TO WITHDRAW HOLDING
OF ABANDONMENT UNDER 37 CFR 1.181(a)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Abandonment mailed October 23, 2007, Applicant submits herewith the following documents relating to the above-captioned patent application:

- * a copy of the Notice of Abandonment;
- * a copy of a date stamped postcard filing receipt evidencing a properly identified response was timely filed on June 19, 2007; and
- * a copy of the response documents filed on June 19, 2007.

Applicant respectfully asserts that a timely response was filed and requests the holding of abandonment be withdrawn. Further, Applicant respectfully requests that the response be entered into PAIR with June 19, 2007 as the date of receipt. No fees are believed to be due for this petition, which relates to an error by the United States Patent and Trademark Office. However, if any fees are due, the Examiner is hereby authorized to charge Deposit Account No. 02-4300; Order No. 032405R172.

Respectfully submitted,
SMITH, GAMBRELL & RUSSELL, LLP

By: 

Dennis C. Rodgers, Reg. No. 32,936
1130 Connecticut Avenue, N.W., Suite 1130
Washington, D.C. 20036
Telephone: (202) 263-4300
Facsimile: (202) 263-4329

Dated: November 20, 2007



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/825,690

04/16/2004

Mitsugi Chonan

032405R172

8856

441 7590 10/23/2007

SMITH, GAMBRELL & RUSSELL

1130 CONNECTICUT AVENUE, N.W., SUITE 1130

WASHINGTON, DC 20036

EXAMINER

PILKINGTON, JAMES

ART UNIT

PAPER NUMBER

3682

MAIL DATE

DELIVERY MODE

10/23/2007

PAPER

DCR

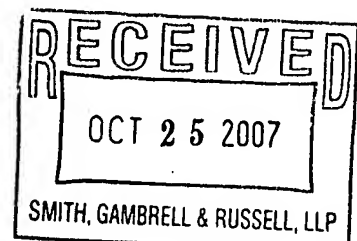
032405.172

Reply to Erroneous Abandon = 12-23-07

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

RLM



Notice of Abandonment

Application No.

10/825,690

Examiner

James Pilkington

Applicant(s)

CHONAN, MITSUGI

Art Unit

3682



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 23 March 2007.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

RICHARD RIDLEY
SUPERVISORY PATENT EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

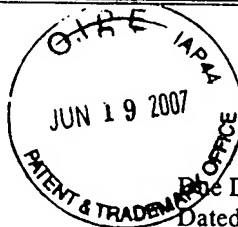


③

**Postcard receipt: Please apply mail room stamp and return to:
SMITH, GAMBRELL & RUSSELL, L.L.P.**

Attorney Dkt No. :	032405R172
Applicants :	Mitsugi CHONAN
Serial No. :	10/825,690
Filed :	April 16, 2004
For:	CONTINUOUSLY VARIABLE TRANSMISSION

1. Transmittal
2. Fee Transmittal
3. Amendment
4. Check in the amount of \$400.00



DCR/mdd

File Date: June 23, 2007
Dated: June 19, 2007


RLM

077812

77812

COMMISSIONER OF PATENTS

06-19-07

REF. #	INV. #	DATE	P.O. #	INVOICE DESCRIPTION	AMOUNT PAID
224343	032405172B	06-19-07	032405.172	Eight (8) Excess Claims	400.00
					

TOTAL AMOUNT PAID:

400.00

SMITH, GAMBRELL & RUSSELL, LLP

CLIENT DISBURSEMENT ACCOUNT

SUITE 3100 PROMENADE II
1230 PEACHTREE STREET NE
ATLANTA, GA 30309-3592

Wachovia Bank, National Association

077812

64-975
612

PAY

FOUR HUNDRED AND 00/100 Dollars

06-19-07

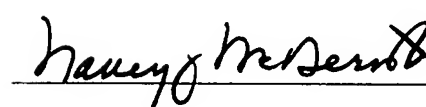
\$*****400.00

TO
THE
ORDER
OF

COMMISSIONER OF PATENTS

DATE

AMOUNT

SMITH, GAMBRELL & RUSSELL, LLP
VOID AFTER 90 DAYS


SMITH, GAMBRELL & RUSSELL, LLP

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW.
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

077812

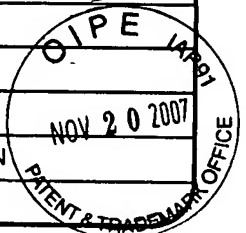
77812

COMMISSIONER OF PATENTS

06-19-07

REF. #	INV. #	DATE	P.O. #	INVOICE DESCRIPTION	AMOUNT PAID
224343	032405172B	06-19-07	032405.172	Eight (8) Excess Claims	400.00
TOTAL AMOUNT PAID:					
					400.00

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/825,690
		Filing Date	April 16, 2004
		First Named Inventor	Mitsugi CHONAN
		Art Unit	3682
		Examiner Name	James PILKINGTON
Total Number of Pages in This Submission	15	Attorney Docket Number	032405R172



ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Check in the amount of \$400.00
Remarks 		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Smith, Gambrell & Russell		
Signature			
Printed Name	Dennis C. Rodgers		
Date	June 19, 2007	Reg. No.	32,936

CERTIFICATE OF TRANSMISSION/MAILING			
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Signature			
Typed or printed name		Date	

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FEE TRANSMITTAL for FY 2006

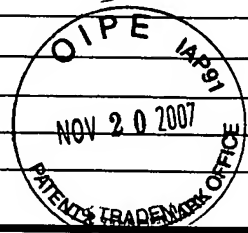
Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT \$400.00

Complete If Known

Application Number 10/825,690
Filing Date April 16, 2004
First Named Inventor Mitsugi CHONAN
Examiner Name James Pilkington
Art Unit 3682
Attorney Docket No. 032405R172



METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number

02 - 4300

Deposit Account Name

SMITH, GAMBRELL & RUSSELL

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) or any underpayment of fee(s)
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					- 0 -

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	28	- 20 **	=	8	X	50.	=	400.
Independent Claims	3	3	=	0	X	200.	=	0
Multiple Dependent			X	300	=	0		

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$400.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	2053	130	Non-English specification	
1812	2,520	2012	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	2004	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	2005	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month (minus 1 mo. Previously paid)	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	2007	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	2006	180	Submission of Information Disclosure Stmt	
8021	40	2021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2009	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2010	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	2802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) -0-

SUBMITTED BY

Name (Print/Type)	Dennis C. Rodgers	Registration No. (Attorney/Agent)	32,936	Telephone	202 263 4300
Signature				Date	June 19, 2007

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